City of Bainbridge Island
PLANNING & COMMUNITY DEVELOPMENT

MEMORANDUM

TO: Code Update Ad Hoc Committee

FROM: Kelly Dickson, PCD

DATE: September 30, 2010

RE: Code Update Policy Considerations

During review of the draft modules pertaining to Titles 2 (Administration), Title 17 (Subdivisions), and Title 18 (Zoning), staff identified several issues where guidance from the Committee is necessary. The following represents the issues, items for consideration, and Ad Hoc recommendations.

1. **Conditional Use Permit – Exemption for Expansion of Uses created prior to 1992 (Title 2, footnote 96):**
   Current code requires activities that expand the square footage of an existing use by more than 25% to obtain a Major or Minor Conditional Use Permit. Current code also contains an exemption which allows a use that was "lawfully established prior to March 1, 1992" without a conditional or special use permit to increase its square footage up to an accumulative 100% without securing another conditional use permit.

   - **Items for consideration:** Since expansion of this magnitude creates impacts that should be reviewed through a public process, Staff recommends deleting the exemption, and requiring all uses (regardless of when they were established) to obtain a conditional use permit if the use is expanded by more than 25%.

   The Ad Hoc Committee agrees with staff recommendation that the exemption be deleted.

   2/25/2010: the Planning Commission agrees with the Ad Hoc recommendation.

2. **Minor Conditional Use Permit – Approval of Additional Height in Residential Districts (Title 2, footnote 104):**
   One of the decision criteria for an administrative conditional use to approve additional height in residential districts is that the Director determines that "no unstable slopes or soils are on the building site." Staff recommends deleting this provision since the proposed development would be reviewed under existing Critical Area Ordinance regulations, which includes review by a geotechnical engineer (if applicable).

   - **Items for consideration:** does the Ad Hoc Committee want to delete the decision criterion that no unstable slopes or soils exist on the building site in order to approve additional height in a residential district?

Ad Hoc Committee agrees with the staff recommendation to delete the decision criterion.

2/25/2010: the Planning Commission agrees with the Ad Hoc recommendation.

3. **Conditional Use Permit – Exemption for Expansion less than 25% (Title 2, Footnote #97):**
   Current code allows a use to be exempted from the conditional use process if the activity does not expand the square footage of an existing use by more than 25%. During Planning Commission review of Title 2, a citizen stated there should be a caveat that cumulative expansion of a use over 25% should be subject to a conditional use permit.

   - **Items for consideration:** staff recommends adding a provision to Title 2 to address this concern. However, there are two possible options for consideration:
     1. Expansion under 25% is allowed one time only, any expansion afterwards is subject to a CUP; or
     2. Cumulative expansion up to a total of 25% is allowed, after which a CUP is required.

   - Does the Ad Hoc Committee prefer option #1 or option #2?

   In order to better address cumulative impacts of a development, the Ad Hoc Committee recommends option #1.

   2/25/2010: the Planning Commission agrees with the Ad Hoc recommendation, but recommends clarifying that the exemption runs with the land.

4. **Major and Minor Variances – Applicability Related to Nonconformities (Title 2, footnotes 114 & 202):**
   Current code contains a restriction that variances shall not be granted because of the presence of nonconformities in the zoning district.

   - **Items for consideration:** Staff interprets this provision to mean that if lot size is nonconforming, then a variance shall not be granted. This creates a hardship since the island contains many lots that are nonconforming to lot size, and the normal process for relief of this is through a variance. Staff recommends modifying the existing language to read, "A variance shall not be granted solely because of the presence of nonconforming *structures* in the zoning district…" This allows the ability to grant relief due to nonconforming lot size, but still restricts the granting of a variance just because other nonconforming structures exist within that zone district.

   The Ad Hoc Committee recommends changing the existing language to: "A variance shall not be granted *solely* because of the presence of nonconformities in the vicinity of the subject site."

   2/25/10: during the Planning Commission meeting on 2/25/10, Commissioner Minkoff suggested that staff discuss the possibility of adding a clarifying statement to determine

what "vicinity" means. Staff does not recommend a qualifier since flexibility is necessary to look at neighborhood character, which may not adhere to a specific boundary. We currently use similar terminology [immediate vicinity] in relation to conditional uses and it has not been an issue in the past. This will be discussed at the Planning Commission meeting on 3/11/10.

3/10/10: the Ad Hoc Committee agrees that a clarifier is not necessary, and further recommends that the word "immediate" be removed from the CUP provisions.

3/11/10: the Planning Commission agrees with the Ad Hoc Committee recommendation on 3/10/10.

5. **Major Conditional Use Permit – Institutions in Residential Zones (Title 2, footnote #193):**
Decision criteria for institutions in residential areas require that educational, cultural, governmental, religious, or health care facilities in residential zones not exceed 50% of the underlying lot coverage requirement, except that public schools shall be allowed 100% of the underlying lot coverage.

MAXIMUM LOT COVERAGE – EXISTING REQUIREMENTS										
Zone District	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14
Lot Coverage Allowance	10%	15%	20%	25%	25%	25%	25%	N/A	25%	40%

The table above outlines the lot coverage requirements for residential uses with each zone district. According to the Major Conditional Use Permit decision criteria, institutional uses within these zone districts cannot exceed 50% of these lot coverage requirements.

Similar conditional uses within residential zone districts do not have the 50% lot coverage limitation:

- Child Day Care Centers *(provision for child day care of 13 or more children through the age of 12 in any 24-hour period)*
- Clubs *(meeting place for an incorporated or unincorporated association of persons organized for some common purpose, including social, educational, literary, political, or charitable purpose, operated by a private nonprofit or noncommercial organization.*
- Recreation Activities, Indoor *(indoor skating rinks, bowling alleys, gymnasiums not accessory to an education institution, racket clubs, sports arenas, and similar uses)*
- Recreation Activities, Outdoor *(golf courses, marinas, tennis courts, yacht clubs, athletic fields, swimming beaches, outdoor pools, and similar uses)*

- **Items for consideration:** Staff recommends that this regulation be deleted entirely, and allow educational, cultural, governmental, religious, and healthcare facilities to

meet 100% lot coverage normally allowed through the underlying zone district. Staff believes that the impacts can be mitigated on a case-by-case basis through the conditional use process.

1/26/10: the Ad Hoc Committee recommends treating the non-residential uses that are conditional uses within residential zone districts consistently (with the exception of public schools). Therefore, child daycare centers, clubs, and indoor- and outdoor- recreation facilities proposed in a residential zone district, except for public schools, shall not exceed 50% of the underlying lot coverage requirement.

2/25/10: during the Planning Commission meeting on 2/25/10, Commissioner Droge suggested that deleting the 50% limitation for all uses might be desirable, in order to encourage greater diversity and building design, but will leave it up to the Ad Hoc Committee for consideration and final recommendation.

3/10/10: the Ad Hoc Committee reversed their original recommendation, and are now recommending that the 50% lot coverage limitation for institutional uses in residential areas be deleted (e.g., so these uses would be allowed to construct to 100% of the underlying lot coverage in the zone district).

3/11/10: Planning Commission agrees with the Ad Hoc recommendation on 3/10/10.

6. **Major Conditional Uses – Institutions in Residential Zones Design Guidelines (Title 2, footnote #196).** Currently, educational, cultural, government, healthcare facilities are required to use the Light Manufacturing Design Guidelines, instead of the Commercial/Mixed Use – General Design Guidelines. The intent of the Light Manufacturing Design Guidelines is to screen views to the development and the buildings themselves, where as the intent of the Commercial/Mixed Use Guidelines are to create attractive, visually-appealing buildings, pedestrian-scale designs, pedestrian-oriented landscaping, and create public spaces.

    - **Item for consideration:** Should the Commercial/Mixed Use Design Guidelines apply to educational, government, healthcare, and cultural facilities instead of the Light Manufacturing guidelines? Staff believes that the Commercial/Mixed Use Guidelines are much more applicable to the community's goals for the design of these types of facilities.

The Ad Hoc Committee agrees that the Commercial/Mixed Use Design Guidelines should apply, instead of Light Manufacturing Design Guidelines for the uses stated above.

2/25/10: during the Planning Commission meeting on 2/25/10, Commissioner Minkoff requested to review the LM Design Guidelines to ensure that there weren't any guidelines that should apply to these uses. This will be discussed at the 3/11/10 Planning Commission meeting.

3/10/10: the Ad Hoc Committee reversed its original decision, and are now recommending that the LM design guidelines should apply (e.g., that the existing code should not be changed).
3/11/10: Planning Commission agrees with the Ad Hoc recommendation on 3/10/10.

7. **Comprehensive Plan Amendment – Citizen/Outside Entity Application (Title 2, footnote #266):** current code allows an individual or entity to apply for a comprehensive plan amendment that affects several properties, regardless of the subject property owners' consent. This creates potential problems in that the subject property owners may not consent to the area-wide comp plan amendment and related rezoning.

    - **Items for consideration:** staff recommends changing the code so that an individual or entity may request the City to take it under consideration during the next comprehensive plan amendment cycle. Staff will provide criteria for the City to accept the request, as well as a statement regarding who is eligible to apply (most likely following the rezoning applicability statement: "any owner or authorized agent, or group of owners of contiguous property acting jointly and representing at least 75% of the assessed valuation of the subject property, or their authorized agent, may apply for a rezone.

    Ad Hoc agrees with the staff recommendation.

    2/25/10: Planning Commission agrees with the Ad Hoc recommendation.

8. **Comprehensive Plan Amendment process (Title 2):** under current code (18.117.020), Comprehensive Plan amendments can be considered once every calendar year. This requires an enormous amount of time and resources on behalf of staff, the Planning Commission and City Council. If the Plan can be amended yearly, it also defeats the purpose of the Comprehensive Plan to serve as a long-range plan for the community. Existing Code (18.117.030.C) allows the city council to determine, by resolution, that a proposed amendment be processed as an emergency amendment to the comprehensive plan.

    1/26/10: Ad Hoc Committee recommends that the Comprehensive Plan amendments be considered once every two to three years; the Ad Hoc Committee further recommends that the regulation allowing emergency Comprehensive Plan amendments remain in place.

    2/25/10: at the Planning Commission meeting, Commissioner Gale recommended extending the timeline to once every 3 years, and would like to discuss this possibility with the City Council. Council Member Hytopoulos also noted that the City Council is considering whether to change the timeline through a separate ordinance process so that the change will be effective immediately.

    - **Additional item for consideration:** does the Ad Hoc Committee also want to retain a provision that allows the City to pursue a City-initiated Comprehensive Plan Amendment (non-emergency) on a yearly basis?

    3/10/10: the City Council has directed Staff to process the changes to the Comprehensive Plan Amendment process separately. As such, it will not be reviewed through the Code Update project.

TITLE 17 PROVISIONS

9. **Design Assistance for Subdivisions (Title 17, footnote 12).** Current Code contains a provision that staff will assist applicants in designing subdivisions prior to formal submittal of an application.

    - **Items for consideration:** Staff proposes that this provision be removed from the Code, as it creates a conflict of interest.

    Ad Hoc agrees that this creates a conflict of interest and that this provision should be removed from the Code.

    3/25/10: Planning Commission agrees with the Ad Hoc recommendation.

10. **Single family subdivisions within the Multi-family zone districts (Title 17, footnote 14).** Current Code does not explicitly state that single-family subdivisions within the urban multi-family zone districts have to comply with the flexible lot design and open space standards, but it has been applied in this manner in the past.

    - **Items for consideration:** this does not necessarily reflect a policy change, but a clarification, and Staff would like to review this issue with the Ad Hoc Committee.

    The Ad Hoc Committee agrees that single family subdivisions within multi-family zones should follow flex-lot provisions, but the minimum lot size should be reduced to match the minimum lot size per zoning to allow for full density.

    3/25/10: Planning Commission agrees with the Ad Hoc recommendation, and asked staff to flag reducing the minimum lot size in R-14 for more discussion in Title 18.

11. **Prioritization of Valued Open Space (Title 17, footnote 20 & 21)**. The table on the left hand side of Appendix A lists, in priority order, the valued open space characteristics for long and short subdivisions. Existing Code has two different tables for priority open space for short versus long subdivisions. To reduce inconsistencies, the tables were combined, but Staff believes the priority should be reorganized to better reflect community values.

    - **Items for consideration:** does the Ad Hoc Committee agree with the suggested priority order of Valued Open Space features for Open Space Long and Short Subdivisions? (see tables below)

    The Ad Hoc Committee agrees that there should be one table for all types of subdivisions, and suggests the priority order on the amended table in Appendix A ("Proposed").

    3/25/10: Planning Commission agrees with the Ad Hoc recommendation, and asked staff to add a caveat that the prioritization table is a guideline and staff has the ability to look at the specific site to identify the quality and quantity of the open space feature.

12. **Uses Allowed in Open Space (Title 17, footnote 30).** Two additions are proposed to the list of uses allowed within designated open space areas.
    - In 17.20.020.A.7.g, staff is proposing that bus shelters and community art be allowed within open space to reflect community goals.
    - In order to incorporate sustainability concepts within the Code, Staff is proposing that solar panels, small wind energy generators, composting bins, rainwater harvesting barrels, and raingardens/swales, be allowed within designated open space areas. This represents a policy change, and in some cases, this may represent a tradeoff because the open space character might be compromised (for instance, cutting down trees in order to have solar panel access).

        - **Items for consideration:** should these additional uses be allowed within designated open space? Possibly with a maximum percentage of the total open space that these uses could cover? The Code Users Group also mentioned 'underground cisterns' as a possible additional use.

    The Ad Hoc Committee recommends that "cistern" be added to the list of allowed uses within open space, and agrees with the remainder of the uses, provided that no significant trees are cut down, damaged, or destroyed as a result of these uses/activities.

    3/25/10: Planning Commission agrees with the Ad Hoc recommendation.

13. **Requirement to pursue Open Space vs. Cluster Subdivision.** The existing Code does not have a provision that requires an applicant to pursue the Cluster Subdivision process (versus the Open Space process) when a property contains no 'valued open space' (per the table on p. 13 of priority open spaces). To remedy this, a statement is proposed for Module 3: "If a proposed subdivision does not contain land in any of the categories shown in table 17.12.020-2 [Valued Open Space Features for Open Space Short and Long Subdivisions], and the creation of clustered lots would result in fewer impacts on the open space character of the surrounding area**, the applicant is required to pursue a Cluster long or short subdivision…rather than an Open Space long or short subdivision…**"

        - **Items for consideration:** if a subdivision contains no valued open space, should we require an applicant to use the cluster subdivision process?

    The Ad Hoc Committee recommends that the code require the Cluster subdivision if a property contains no open space features, as long as there are no legal implications.

    STAFF NOTE: upon further discussion with the City Attorney and members of the Ad Hoc, it was decided not to pursue this provision since the case doesn't arise often enough to warrant benefits.

14. **Homesite Clustering – critical areas exception (Title 17, footnote 34).** The existing Code requires that homesite areas within a cluster subdivision shall adjoin or be located a maximum of 25 feet apart from another homesite, except when the location of existing critical areas precludes the ability to adjoin or located a homesite within 25 feet of another homesite.

    - **Items for consideration:** staff recommends deleting this provision, because if critical areas are present on the site, the open space subdivision design should be pursued.

    The Ad Hoc Committee agrees with the staff recommendation.

    3/25/10: Planning Commission agrees with the Ad Hoc recommendation.

TITLE 18 PROVISIONS

15. **Accessory Dwelling Units in Neighborhood Service Centers (footnote #60, Title 18):** in the current code**,** residential uses are allowed in the Neighborhood Service Center (NSC) districts, but accessory dwelling units (ADU's) are not. ADU's are allowed in all other residential districts, however.

    - **Items for consideration:** staff believes it was an oversight that ADUs are not allowed in NSCs and recommends allowing accessory dwelling units in NSC's as well.

    The Ad Hoc Committee unanimously agreed with the staff recommendation.

    7/15/10: Planning Commission agrees with the Ad Hoc recommendation.

16. **Commercial/Residential Uses within Neighborhood Service Centers (Title 18, footnote #80):** currently residential/commercial mixed-use development is allowed in the NSC's with a requirement that the residential uses be sited above the ground-floor commercial uses. Such mixed-use is granted a bonus density for the residential uses. However, there are areas in the NSC where there is no street frontage and it doesn't make sense to require commercial uses on the first floor.

    - **Items for consideration:** should there be an allowance for a mixture of commercial/residential and "stand-alone" residential buildings?

    The Ad Hoc Committee agrees in principle that standalone residential buildings should be allowed, but would like Clarion to recommend language to ensure that mixed-use buildings will still be required where feasible.

    7/15/10: Planning Commission agrees with the Ad Hoc recommendation, with the following changes (PC recommendations italicized):
    Suggested language (will be inserted into 18.09.030.B.2.d):
    "In the NSC district, residential units must be located above the ground floor if the building is located on a collector or secondary arterial or higher classification; however, *for mixed-use projects,* if the building fronts on a *local or* private street, residential units can be located on the ground floor."
    (Note: the purpose statement for the NSC district also contains a goal to provide a mix of uses).

17. **Primary vs. Accessory Uses (Title 18, footnote #120, #122-123).** Current practice is that a property owner cannot have an accessory use on a property without having a primary use there (e.g., they cannot construct a shed on a property that does not contain an existing single-family dwelling). The strict reading of this policy has created situations where, even though the impacts would be negligible, a property owner is not allowed to construct accessory buildings on vacant lots, such as when a citizen owns two adjoining lots and would like to construct a garage on the lot adjacent to where the house is. A similar situation is where a property owner wishes to demolish a house, but leave a garage or shed on the property during construction of a new dwelling. In past situations, staff required the property owner to also demolish or relocate the resultant stand-alone accessory structure.

    - **Items for consideration: Staff would like policy direction regarding acceptable primary uses, in order to construct language that remedies the above situation.**

The Ad Hoc Committee recommends that an accessory use or building shall be allowed on a lot without a primary use or building if the following criteria can be met:

1. The lots are contiguous
2. The lots are under the same ownership
3. Limit size (possibly 800 s.f.)

In situations where a primary and secondary structure are on the same lot, and then are either separated through a BLA or if the primary structure is torn down, then the interpretation will be changed so that the remaining secondary structures are legal, nonconforming.

7/15/10: Planning Commission agrees with the Ad Hoc recommendation, with the following changes (PC recommendations italicized and struck-through):
Suggested language (will be inserted into 18.09.030.I.13.c and .d):

- "Accessory structures are allowed on a lot without a primary use, subject to the following criteria:
    - The lot *is* ~~are~~ contiguous *to a lot under the same ownership*
    - ~~The lots are under the same ownership; and~~
    - The size of the *accessory* structure shall not exceed 800 square feet.
- The demolition of a primary structure shall not require the demolition of an accessory structure on the same lot *and/or contiguous lot*; however, the primary structure must be constructed within two years. This time limit can be extended by the director *pursuant to BIMC 2.16.020.M* upon request of the property owner."

11/4/10 (Public Hearing): Planning Commission made an additional recommendation to allow an accessory structure of 800 square feet, *or a certain percentage of underlying lot coverage, whichever is greater.* The specific percentage will be determined during City Council review.

18. **Community, Educational, Religious Facilities – Additional Height for Towers and Vertical Features (Title 18, footnote #141)**. Staff recommends a provision to allow additional height for vertical features such as a tower for community and educational facilities.

    - **Items for consideration: does the Ad Hoc Committee agree with the proposed provision: "**For Community, Educational, and Religious Facilities (as listed in Table 18.09.020), spires, towers and other vertical features with horizontal cross-sections no more than 5% of the footprint of the primary structure may have a maximum height of 60 feet"**?**

    The Ad Hoc Committee recommends that a provision be added to the code where additional height of up to 10 feet above base height should be reviewed through a conditional use permit.

    7/15/10: Planning Commission agrees with the Ad Hoc Recommendation.

19. **Parking for Assembly Uses (Title 18, footnote #217).** Parking requirements for religious and non-religious assembly uses were consolidated in Title 18, and a standard of 10 spaces per 1000 sq. ft. of assembly area without seating or 1 space per 5 seats in the assembly area was originally suggested. During the Ad Hoc Committee meeting, a comment was made that this would lower the parking requirement for movie theaters, and that existing movie theaters may not have adequate parking lots.

    Staff and the consulting team suggested providing a caveat for movie theaters that parking requirements remain at 1 space per 4 seats, and the Code Users Group and Ad Hoc Committee agreed with this direction.

    7/15/10: Planning Commission agrees with the Ad Hoc Recommendation.

20. **Transit Accommodation (Title 18, footnote #243).** Title 18 currently has a provision applicable only to the Light Manufacturing district (now being renamed the Business/Industrial district), that "a proposed site plan shall accommodate bus stops along public rights-of-way in locations identified by Kitsap Transit." A suggestion was made that this requirement be extended to the Mixed Use Town Center and High School Road districts.

    - **Items for consideration:** does the Ad Hoc want to extend the requirement to those districts? This requirement shall not require the dedication of lands or the granting of public access without the consent of the property owner, unless the entire need for the bus stop is created by the owner's proposed development. The problem is that bus stop facilities almost always serve users beyond the owner's development, but if the owner is not creating the need for the facility then under Dolan v. Tigard the city probably cannot require either dedication of the entire area (only the pro-rata portion reflecting the proposed development's contribution to the need for the stop) or public access to the area. As a practical matter, this means that the city can require that the owner orient the development around or with good connections to the bus stop, and in many cases the owner will be willing to dedicate the land and grant public access, but if they refuse the city may need to purchase remaining portions of the land (after which they can grant public access to it). We will not extend the transit provisions to the Mixed Use/HSR districts unless we are directed to do so. However, we will add language to protect the city from a "takings" claim in this area unless we are directed not to do so.

    The Ad Hoc Committee agrees that the transit accommodation requirement be extended to the MUTC, NSC, and HSR districts, with language added regarding takings claims.

    7/15/10: Planning Commission agrees with the suggested language below, and recommends extending this requirement to all zone districts.
    Suggested language (will be inserted into 18.15.030.C):
    "Any condition imposed shall be based on an individualized determination of the nature and extent of anticipated impacts of the proposed development."

21. **Rebuilding Nonconforming Structures (Title 18, footnote #283):** in a previous Ad Hoc meeting, the committee discussed additions (both vertical and horizontal) to nonconforming structures, but did not discuss the possibility of allowing nonconforming structures to be rebuilt in the same location even if more than 50% of the structure is destroyed.

    - **Items for consideration:**
        1. **Current zoning regulations:** a nonconforming structure may remain and be used, provided that:
            - 1) the structure is not enlarged or altered so as to increase its nonconformity;
            - 2) if moved, the structure shall be made to conform to regulations of the code;
            - 3) if a building is harmed or destroyed by more than 50% of its replacement value, as determined by the building official, the building must be reconstructed in compliance with the requirements of the zone in which it is located; and
            - 4) any **structure** other than a building that is damaged or removed to an extent that exceeds 50% of its replacement value, as determined by the building official, may be replaced or reconstructed in substantially the same location and of substantially the same design as the pre-damaged or pre-removed structure, if a complete application is submitted…
        2. Current Shoreline Regulations allow structures that are nonconforming to shoreline regulations to be reconstructed in the same location, regardless of how much of the structure is destroyed.
        3. Staff recommends that the shoreline and zoning nonconforming rules be consistent; however do not necessarily agree that structures should automatically be entitled to rebuild in the same location if more than 50% is destroyed.

    Option 1: zoning rules should match shoreline rules, and buildings can be rebuilt in the same footprint even if more than 50% is destroyed.

    Option 2: a strict interpretation of nonconforming should apply – you can maintain the structure, but the building cannot be reconstructed in the same footprint if more than 50% is destroyed. The reconstructed building must meet current regulations.

    Option 3: if a building is nonconforming to front setback only but conforms to all other setback and lot coverage requirements, then can rebuild in the same location (implication that the front setback is not as impactful to neighbors.

    Option 4: Can rebuild in the same location but only to the same bulk (square footage and height) as pre-existing.

In terms of zoning requirements only (shoreline and critical areas regulations are not addressed through this project), the Ad Hoc Committee recommends Option 4.

7/15/10: Planning Commission agrees with the Ad Hoc Committee recommendation for Option 4, and with the understanding that any expansion beyond what was pre-existing shall conform to current setback and height requirements. Planning Commission also recommends that ultimately this provision is consistent with the treatment of nonconforming structures in the Shoreline Jurisdiction (which is being considered through the Shoreline Master Program update).

BIMC 18.30.030.C will be deleted, and 18.30.030.D will be amended to include buildings:
"If a structure is damaged or removed to an extent that exceeds 50 percent of its square footage, it may be replaced or reconstructed in substantially the same location and of substantially the same design as the pre-damaged or pre-removed structure or building, if a complete application is submitted for any and all required construction permits within 180 days of the damage or removal." (Ord. 2004-12 § 25, 2004: Ord. 92-08 § 2, 1992)[1]

11/4/10: Planning Commission reversed their original recommendation, and now recommend that the existing nonconforming provisions in the Code remain, in order to wait for the shoreline nonconforming provisions to be changed during the Shoreline Master Program update.

22. **Expansion of Nonconforming Structures (Title 18, footnote #280)**. Title 18 currently includes a standard provision that a non-conforming structure cannot be altered or enlarged "so as to increase its nonconformity." Usually this involves a house located too close to a lot line to meet the required setback (which makes it nonconforming) and a property owner who wants to add a second story to the house (extending the nonconforming wall upward) or add a room addition (extending the nonconforming wall horizontally).

    Although staff has interpreted this provision differently under various planning directors, the current interpretation is that a wall that is too close to the property line cannot be expanded upward or horizontally, because that would "increase its nonconformity". Some cities interpret the phrase to mean that the wall could not be rebuilt closer to the lot line, but that horizontal or vertical expansions are allowed because they do not lessen the distance between the structure and the property line. There is no majority position (practice varies a lot) but there is a general trend to interpret nonconformity provisions more flexibly in order to encourage reinvestment in existing properties and allow efficient use of smaller lots and homes that would otherwise be difficult to use.

[1] This provision has been expanded to include buildings (not just structures) per Ad Hoc Recommendation and PLANNING COMMISSION RECOMMENDATION on 7/15/10. The threshold for replacement has been changed from 50% of its replacement value. Although commonly used, the determination of replacement value is difficult in many jurisdictions.

- **Items for consideration:** does the Ad Hoc Committee want to stay with the current interpretation of this phrase or change it to allow vertical and horizontal expansions of non-conforming structures? We will include language clarifying the current interpretation unless we are instructed otherwise.

The Ad Hoc Committee recommends a tiered approach to the expansion of nonconforming structures:

1. **Horizontal:** in this case, the setbacks should prevail, and no horizontal expansion into the setbacks shall be allowed.

2. **Vertical:** staff will discuss with the consultant the possibility of allowing vertical expansion into the setbacks, as long as the privacy or visual impacts can be avoided. If language cannot be constructed to adequately address the privacy or visual impacts, then staff will not allow vertical expansion unless it meets current setbacks, and identify ways to make the administrative variance less difficult to obtain by clarifying the decision criteria.

[Staff note: there is no clear method to address visual or privacy impacts; as such, staff recommends only allowing vertical or horizontal expansion if the expansion meets current requirements such as setbacks and height.]

7/15/10: Planning Commission agrees with the Ad Hoc Committee recommendation (e.g., vertical or horizontal expansion allowed only if it meets current requirements).

23. **Home Occupations (Title 18, footnote #314):** under a strict reading of the current Code, Professional or Personal Services are not allowed as a home occupation, because they would increase traffic beyond that of a single-family residence. However, numerous instances have arisen where applicants have requested to see customers in their home only on certain days of the week (example – accountant has office in Seattle and wants to see customer in home), and the impacts would be negligible to surrounding property owners. Should we allow Professional and Personal Services as home occupations?

    - **Items for consideration:** Staff proposes that we allow Professional and Personal services as home occupations, if they can meet certain standards, such as limitations on generation of trips per day, similar to the home-based teaching business.

The Ad Hoc Committee agrees that Professional and Personal services should be allowed as home occupations, provided they meet standards related to: trips/day, hours of operation, parking, and number of employees.

7/15/10: Planning Commission agrees with the Ad Hoc Recommendation.

24. **Accessory Dwelling Units (Title 18, footnote #290):** under a current interpretation, the only accessory buildings where dwelling units can be placed are garages (e.g., they cannot be constructed in conjunction with a workshop). Furthermore, the interpretation states that all of the floor area within the structure counts toward the 800-square foot limitation for ADUs, minus the non-heated area that constitutes as a garage. This can constitute a problem where storage space (such as hay storage) or workshop area is not intended to be utilized in conjunction with the ADU, but under the current interpretation this space must count towards the 800 square-foot limitation. Furthermore, the current definition of "accessory dwelling unit" is ambiguous and is not consistent with the interpretation ["Accessory Dwelling Unit: accessory dwelling unit means separate living quarters contained within or detached from a single-family dwelling on a single lot, containing 800 square feet of floor area or less, excluding any garage area or accessory buildings and sharing a single driveway with the primary dwelling; provided no recreational vehicle shall be an accessory dwelling unit."]

    - **Items for consideration:** staff would like to clarify the definition of accessory dwelling unit as well as clarify the type of square footage that counts toward the floor area square-footage limitation for an ADU (so an interpretation is not needed).

    1/26/10: the Ad Hoc Committee would like staff to propose a new definition of accessory dwelling unit, as well as provide several examples of the current issues with accessory dwelling units for further discussion [see below].

    Staff proposal:

    - Definition would change to: "Accessory dwelling unit means separate living quarters containing kitchen facilities, where the living quarters are contained within or detached from a single-family dwelling on a single lot.
    - Use-Specific standards would include:
        - An ADU can contain a maximum of 800 square feet of floor area;
        - If an ADU is constructed in conjunction with a garage, the square footage of the garage shall not count towards the 800 square-foot limitation for the ADU;
        - An ADU not attached to the single-family dwelling may not contain any accessory use other than a garage;
        - No recreational vehicle shall be an accessory dwelling unit;
        - When stairs utilized for the ADU are enclosed within the exterior vertical walls of the building, they shall count towards the floor area of the ADU;
        - The ADU shall share a single driveway with the primary dwelling.

    The Ad Hoc Committee agrees with the staff proposal.

    7/15/10: Planning Commission agrees with the Ad Hoc Recommendation.

Staff has received public comment requesting to allow a separate driveway for ADUs if the separate driveway already exists. Does the Ad Hoc Committee want to allow this change in definition?

The Ad Hoc Committee does not want to allow this change in definition.

7/15/10: Planning Commission agrees with the Ad Hoc Recommendation.

25. **Setbacks for Single-Family Subdivisions along (Hwy 305 Title 18, Footnote #133)**. Existing code requires a 75' building setback from Highway 305 for all subdivisions. This setback often encompasses a landscape buffer that is required through the existing landscape regulations (a 50', full screen landscape buffer is required in the MUTC and HSR districts only). Through the tree ordinance process, this landscape buffer is being proposed to change to 50' for all zone districts and uses adjacent to Highway 305. Staff believes that the landscape buffer effectively serves as a building setback for subdivisions, and as such the 75' building setback does not offer enough additional protections to warrant the requirement. Staff is suggesting that the 75' building setback be reduced to 50' to make it consistent with the landscape buffer.

    - **Items for consideration: does the Ad Hoc Committee agree that the setback requirement can be reduced from 75' to 50' along Highway 305?**

The Ad Hoc Committee agrees that the 75' setback requirement should be reduced to 50' to coincide with the landscape buffer requirement. However, staff should also institute a 10' setback from the landscape buffer in the Tree Ordinance to ensure buildings cannot be constructed adjacent to the landscaping and cause damage.

7/15/10: Planning Commission agrees with the Ad Hoc recommendation, but would like to ensure that the 10' setback from the landscape buffer and a reference to Highway 305 as a Scenic Highway are incorporated into the Tree Ordinance.

26. **Agricultural Education or Research Facilities (Title 2, footnote #99, #103):** as part of the agriculture working group process, 'agricultural education and research facility' has been proposed as a conditional use in the R-0.4 and R-1 zone districts. "Educational or research facilities related to agriculture" are defined as "a facility for the investigation, testing, or demonstration of, or for training or educating persons in, products and processes related to agriculture, horticulture, or animal husbandry, including biotechnical agriculture, veterinary, soil, plant and animal sciences.

   - **Items for consideration:** Due to the potential impacts on surrounding residences, staff proposes that agricultural education and research facility be reviewed through a minor conditional use permit (versus the agriculture conditional use permit).

   Does the Ad Hoc Committee want to consider this use through:
   1) Minor conditional use permit (administrative decision by Director, more stringent decision criteria than the agriculture minor conditional use); or
   2) Major conditional use permit (possible review by the Planning Commission with decision by Hearing Examiner); or
   3) Agriculture minor conditional use (faster review process, fewer decision criteria)?

The Ad Hoc Committee recommends reviewing these facilities through a Minor or Major CUP (regular, not agricultural), depending on the impact of the proposed project, but further recommends additional criteria for the Director to use when determining whether a project is minor or major.

Minor vs. Major Criteria – Staff Suggestion (2.16.110.B.1):
Current code has three criteria for the director to determine whether a conditional use permit shall be processed administratively (minor) or with review by the Hearing Examiner (major). Projects that are 'minor' may include, but are not limited to:
1. Projects that are exempt from review under SEPA; or
2. Uses that are clearly consistent and compatible with other uses in the same zone or vicinity; or
3. Uses specifically listed as a conditional use in the zone in which it is proposed.

The code also contains a provision that Educational, Cultural, Institutional, and Religious facilities within residential zone districts shall be processed through a major CUP (this provision remains the same in the code update).

Items for consideration:
- Draft Title 2 of the Code Update clarifies that a project qualifies as a Minor CUP where the director determines that the anticipated impacts of those conditional uses will be minor or minimal.
- Additional Threshold Criteria for a Major CUP (however, Director discretion still applies):
  - If a proposed use or expansion covers 50% or greater of the total lot area; or
  - If the proposed use is accessed by a local or private road classification; or

- If the proposed use generates more than 36 trips per day; or
- If the proposed use contains 4 or more multifamily dwellings; or
- If the proposed use requires an Environmental Impact Statement.

7/20/2010: Ad Hoc Committee Recommendation regarding Minor vs. Major CUP criteria (Title 2, footnote 182):

Projects that are 'minor' may include, but are not limited to:

1. Projects that are exempt from review under SEPA; or
2. Uses that are clearly consistent and compatible with other uses in the same zone or vicinity; or
3. Uses specifically listed as a conditional use in the zone in which it is proposed.

Projects that are 'major' may include, but are not limited to:

1. If a proposed use or expansion covers 50% or greater of the total lot area; or
2. If the proposed use is accessed by a local or private road classification; or
3. If the proposed use *or expansion* generates more than 36 *total* trips per day; or
4. If the proposed use *or expansion* contains 4 *or more units* in a multifamily dwelling.
5. ~~If the proposed use requires an Environmental Impact Statement.~~

7/29/2010: Planning Commission agrees with the Ad Hoc Committee Recommendation regarding Minor vs. Major CUP criteria.

ADDITIONAL ITEMS FOR CONSIDERATION

27. Approval of Additional Height in Residential Districts (Title 2, footnote #105):

Current code allows up to a 5 foot height increase in residential zone districts through a Conditional Use Permit. During Planning Commission review on 3/18/10, Commissioners requested the Ad Hoc Committee review several items relating to this provision.

BUILDING HEIGHT										
Zone District	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14
Permitted Height	30'	30'	30'	25'	25'	25'	25'	30'	35'	35'
Permitted Height thru CUP	35'	35'	35'	30'	30'	30'	30'	35'	40'	40'

Example from the R-0.4 Zone District:

A. The building height is 30 feet, except that buildings up to 35 feet may be allowed under a conditional use permit if, in addition to the requirements of Chapter 18.108 BIMC, it is demonstrated that: (1) view opportunities are not substantially reduced; (2) fire flow is adequate; ~~(3) no unstable slopes or soils are on the building site~~; and (4) solar access of neighboring lots is not reduced.

Items for consideration:

- Should height be eligible for increase at all (*note: in shoreline jurisdiction, structures cannot be built over 30'*)?
- If so, should it be a minor or major CUP?
- Or, should height increase be through a variance instead? (*Staff note – height increase requests cannot be approved through variance because it cannot meet the decision criteria*.)

The Ad Hoc Committee recommends that the height increase for residential uses be deleted, but remain for all other uses.

7/15/10: Planning Commission recommends that the existing code remain unchanged (e.g., that the provision to increase residential height through a conditional use permit remain).

28. Subdivisions – Assurance of Improvements (Title 2, footnote 145):

Current code allows an assurance device, except for bonds, to be paid in lieu of subdivision improvements (for long and short subdivisions) associated with preliminary plat approval. Current code requires city council to accept the assurance device. Current code also requires an assurance device, including a bond, approved by city council, to secure the successful operation of improvements for one year.

Items for consideration:

- Who accepts the assurance device – City Council or Director/City Engineer?
  - Staff recommends that the Director or City Engineer (vs. the City Council) accept the assurance devices for the improvements as well as the operation of the improvements
- What type of assurance device – exclude bonds or not?
  - Staff recommends that the city allow any type of assurance device (cash, bond, assignment of funds) for both the improvements as well as the operation of improvements
  - The city still has the ability to require installation vs. an assurance device
- Timeline of assurance devices – 1 vs. 2 years?
  - Current code requires installation of improvements within one year of final plat approval, or such additional time as the city council determines is appropriate after final plat approval; it also requires assurance of operation of the improvements for one year after installation.
    - Draft Title 2 allows 2 years for installation and 2 years for assurance of operation (vs. 1 year for both)

The Ad Hoc Committee recommends that the City Engineer accept the assurance devices for the improvements as well as operation of the improvements. The Ad Hoc Committee recommends that any type of assurance device (e.g., cash, bonds, etc.) be accepted for both the installation as well as operation of improvements. The Ad Hoc Committee agrees

with the staff recommendation that the timeline of assurance devices be 2 years for installation and 2 years for assurance of operation.
7/15/10: Planning Commission agrees with the Ad Hoc Recommendation.

29. Live/Work Units (Title 18):
A separate ordinance was processed in 2008 through the Planning Commission to allow live/work units in the Light Manufacturing (LM) zone district. The intent of the code revisions was to include provisions governing live/work within the LM district by implementing a Comprehensive Plan Policy in the Economic Element (E2.3) which states "Create affordable commercial space for small business uses by expanding the uses in Light Manufacturing District and exploring other potential opportunities. Encourage live-work opportunities as a component of small business uses."

The proposed revisions would expand the current language in the LM district chapter, which only permits 'a single residential unit for security and/or insurability of the premises,' to allow live/work subject to performance standards. After a series of planning commission meetings two overlay districts - a restrictive WORK/live overlay and less restrictive LIVE/work, were drafted. The Planning Commission, however, indicated a preference for live/work in a new Small Business Zone, thereby implementing Economic Element Policy E 2.4. This policy states, "A new Small Business (SB) land use designation may be created to allow for non-retail business uses that have minimal impacts on the environment and surrounding uses…The purpose is to provide space for small-scale low-impact enterprises that have outgrown the home in a park-like development that is pleasingly designed and attractively landscaped. Creative ways of creating some affordable commercial space should be considered, and live-work opportunities should be a component of the Small Business zone."

As a consequence of these deliberations, staff was preparing a code provision to allow live/work opportunities only for Light Manufacturing zoned parcels that abut a residentially zoned property, as a transition between residential and light manufacturing uses. Instead of moving forward separately, this proposal was to be incorporated into the code update.

Draft provisions have been added to Title 18 to allow Live/Work Units in the LM zone district. The provisions address several potential impacts: size of unit, density, location of and access to the units, employees, etc.

Items for consideration:

- Does the Ad Hoc Committee agree that a Live/Work provision be incorporated into Title 18?

The Ad Hoc Committee recommends that the Live/Work provision be omitted from the Code Update project, and considered for the 2011 Work Plan to be processed through a separate ordinance.

7/15/10: Planning Commission agrees with the Ad Hoc Recommendation.

30. Mobile Retail (Title 18, footnote #92):

There have been several applications recently for mobile retail businesses on the Island (e.g., a bread truck and a coffee/espresso truck). The existing Code does not have a provision to allow retail on a mobile basis.

Staff recommends allowing Mobile retail within the MUTC, NSC, and Light Manufacturing Zone Districts, as long as:

- The applicant provides a site plan to demonstrate that:
  - Adequate parking exists on the subject site
  - Traffic impacts can be mitigated
  - Drive-through facilities will not be conducted
  - The facility will not be placed within the right-of-way
- The applicant provides an Owner/Agent Agreement to conduct retail on the subject site

Outside seating will not be allowed, and any signage shall follow existing signage regulations. The mobile retail facilities will be reviewed through the business license application, and will not require a formal site plan review.

Items for consideration:

- Does the Ad Hoc Committee want to incorporate regulations to allow mobile retail into Title 18?

The Ad Hoc Committee recommends incorporating regulations to allow mobile retail into Title 18, pursuant to staff recommendation.

Suggested language below will be incorporated into Title 18 (18.09.030.D.4) to allow mobile retail within the Mixed Use Town Center, *NSC, and B/I districts*, pursuant to the following standards:

1. **Mobile Retail Food Establishment**

   Mobile Retail Food Establishments must meet the following standards:

   a. The mobile business operator must obtain permission of the owner of the property upon which the business is going to operate;

   b. All operating locations must be approved by the City of Bainbridge Island Department of Planning and Community Development;

   c. The operating vehicle or structure shall be removed from the site of operation at the end of the business day and shall store/park the vehicle or structure in a manner consistent with applicable provisions of the BIMC;

   d. No furniture such as tables or chairs shall be set up onsite in conjunction with the mobile business;

   e. Drive-through facilities are not allowed;

   f. Besides signage existing on the mobile vehicle or structure, additional signage is not allowed;

g. An applicant for a mobile retail food establishment must obtain a business license ~~application~~, and must include a site plan to scale with the *business license* application that demonstrates:

   i. Adequate parking exists on the subject site (including parking for existing plus proposed uses). The mobile retail facility shall not occupy any parking that is required for the use existing on the site;

   ii. Traffic impacts can be mitigated;

   iii. The establishment will not be placed within a right-of-way, drive aisle, or loading dock.

h. The mobile retail food establishment must meet the requirements of the Kitsap County Health District.

7/15/10: Planning Commission agrees with the Ad Hoc and staff recommendation with the suggested changes above (italicized and struck-through).

31. Critical Areas as Open Space in the B/I (Light Manufacturing) Zone District:
Current code requires only critical areas to be set aside as open space within the Light Manufacturing (Business/Industrial) zone district. There are no other open space requirements in this District, so if a site does not have any critical areas it is not required to provide open space (all other perimeter and roadside buffer requirements would apply, however). Staff recommends deleting this provision since critical areas are already protected through the critical areas ordinance, and this provision provides no further protection.

Items for consideration:

- Does the Ad Hoc Committee agree that the open space provisions within the Light Manufacturing District be deleted?

The Ad Hoc Committee recommends that the open space provisions within the Light Manufacturing zone district remain in Title 18.

7/15/10: Planning Commission agrees with the Ad Hoc recommendation.

32. Critical Areas Within Homesite Areas (Title 17)

Subdivision codes (BIMC 17.040 & 17.12) require that all homesite areas have a minimum of 5000 square feet, and cannot contain critical areas or their required buffers. However, there are some critical areas (e.g., liquefaction) where a homesite area could still be feasibly located pursuant to geotechnical engineer review.

Recommendation

The requirement for 5000 square feet outside of critical areas should be refined to exclude critical areas and reduced buffers where development would not be prohibited by the Critical Areas Ordinance (BIMC 16.20). Specifically, liquefaction areas, erosion hazard areas, frequently flooded areas, aquifer recharge areas, and reduced buffers should be allowed within homesite areas, pursuant to review by the appropriate professional per the CAO.

Background

BIMC 17.04.080(A)(2)(i) states "All lots must include at least 5,000 square feet outside of critical areas and their required buffers." (BIMC 17.12 has the same requirement).

BIMC 17.04.040 states – "Critical Areas" mean: 1. Aquifer recharge areas, fish and wildlife habitats, frequently flooded areas, geologically hazardous areas, wetlands and streams; 2. Critical areas and their protective buffers as described by Chapter 16.20 BIMC.

Certain critical areas such as aquifer recharge areas, frequently flooded areas and some geologically hazardous areas are managed for different proposes that do not require retention of native vegetation to protect the function of the critical areas.

- **Geologically hazardous areas** (GHAs) are managed primarily for safety (see BIMC 16.20.150(B)). "Purpose. The intent of this section is to prevent the potential for personal injury or loss of life or property due to flooding, erosion, landslides, seismic events, or soil subsidence. Development must not increase slope instability, and must avoid on-site and off-site impacts, as well as potential risk to structures. Preserving the existing vegetation may be an important part of minimizing those risks."
    - BIMC 16.20.030(A)(20) states ""Geologically hazardous areas" means areas susceptible to significant erosion, sliding, or other geological events. They pose a threat to the health and safety of citizens when used as sites for incompatible commercial, residential or industrial development. **Geologically hazardous areas include erosion hazard areas, landslide hazard areas, and seismic hazard areas."**

      As the definition states, the site can be a hazard *if developed with an incompatible use*. However, there are some GHAs that can be developed with compatible uses with appropriate engineering and review:

        - **Liquefaction areas.** These are a type of seismic hazard areas. These areas are defined by 16.20.030(A)(44)(b) as "Liquefaction Hazard Areas. Areas of cohesionless, loose or soft, saturated soils of low density in association with a shallow groundwater table that are subject to settlement and/or

liquefaction from ground shaking." These areas can be developed with engineering solutions that mitigate the potential problem. The Environmental Technical Advisory Committee (ETAC) has reviewed this issue and does not see an issue with allowing subdivision of properties in liquefaction areas.

- **Erosion hazard areas.** The area with soil conditions make for greater potential for surface erosion. Most erosion hazard areas are also landslide hazard areas and are not suitable for development but there are areas on the Island that are only erosion hazard areas. These areas can be developed if care is taken to prevent erosion during the construction phase. After the area is landscaped, the erosion hazard is mitigated.

- **Reduced Buffers** – Subdivision regulations also do not allow the placement of building envelopes in protective buffers. The CAO has several methods of altering the standard buffers such as habitat management plans, buffer averaging and review of landslide hazard areas buffers by geotechnical engineers. The placement of building envelopes outside of altered buffers (e.g., the area that is no longer buffer) would still meet the requirement of not allowing development of the protective buffer.

- **Frequently Flooded Areas** are defined in 16.20.030(A)(18) as "lands subject to a one percent or greater chance of flooding in any given year, as determined by the Federal Emergency Management Agency. These areas include, but are not limited to, floodplains adjacent to streams, lakes, coastal areas, and wetlands." Most of the frequently flooded areas (FFAs) on the Island are located on the shoreline. Development is not prohibited in these but has to comply with FEMA regulation for flood protection.

- **Aquifer Recharge Areas** – 16.20.120(A) states "The entirety of Bainbridge Island is the recharge area for the Island aquifer." As with frequently flooded areas, development is not prohibited but certain types of development are not allowed or require a hydrologic assessment. Since the entire Island is an aquifer recharge area, a literal reading of the subdivision code would prohibit any subdivision on the Island.

Item for consideration:
Does the Ad Hoc Committee want to allow liquefaction areas, erosion hazard areas, frequently flooded areas, aquifer recharge areas within homesite areas, pursuant to review by the appropriate professional per the CAO?

7/20/10: the Ad Hoc Committee recommends addressing this issue through an update of the Critical Areas Ordinance (Phase 2).

7/29/2010: Planning Commission agrees with the Ad Hoc Committee Recommendation.

33. Density Standards for Stables (Title 18, footnote #70)

The update to the agricultural regulations within Title 18 include proposed density standards for large animals, which are based on the amount of area that is available to the animal (see 18.09.030.A.1). The proposed regulations also included an exemption to the density standards for stables, due to the fact that often times stables do not contain pasturage and therefore do not have the same impacts as other operations containing large animals.

Recommendation

During their meeting on July 20, 2010, the Ad Hoc Committee recommended making stables comply with the density standards, since there would still be impacts from the use.

9/09/2010: Planning Commission agrees with the Ad Hoc Committee Recommendation, since stables could pursue a farm management plan to exceed the density standards.

APPENDIX A

EXISTING		
Table 17.12.020-2: Valued Open Space Features for Open Space Short and Long Subdivisions		
	Open Space Feature	Notes
1.	Critical Areas (as defined in BIMC 16.20), Areas Contiguous with Critical Areas and their Buffers and Wildlife Corridors	All critical areas and their associated buffers shall be preserved and designated wildlife corridors as adopted by Resolution 2001-12 should be preserved.
2.	Native Forests and Significant Trees	Significant trees identified consistent with the standards of the landscaping ordinance (BIMC 18.15.010) should be preserved.
3.	Mature Vegetation on Ridgelines	Mature vegetation found on ridgelines of community significance (as viewed from off-site) should be preserved.
4.	Pastures, Meadows, Orchards, and Farmland	Pastures, farmland and land areas currently or traditionally used in agriculture should be preserved. Where possible, the size and configuration of pasture and farmland areas should permit commercially viable farming
5.	Trails and Greenways	Trails and greenways should be preserved.
6.	Shoreline View Areas	Shoreline areas identified consistent with the provisions of the shoreline management plan (BIMC 16.12) that are suitable for public access and habitat area should be considered.

PROPOSED		
Table 17.12.020-2: Valued Open Space Features for Open Space Short and Long Subdivisions		
Priority	Open Space Feature	Notes
1.	Critical Areas (as defined in BIMC 16.20), Areas Contiguous with Critical Areas and their Buffers	All critical areas and their associated buffers shall be preserved.
2.	Native Forests and Significant Trees	Significant trees identified consistent with the standards of the landscaping ordinance (BIMC 18.15.010) should be preserved.
3.	Trails and Greenways	Trails and greenways should be preserved.
4.	Pastures, Meadows, Orchards, and Farmland	Pastures, farmland and land areas currently or traditionally used in agriculture should be preserved. Where possible, the size and configuration of pasture and farmland areas should permit commercially viable farming
5.	Shoreline View Areas	Shoreline areas identified consistent with the provisions of the shoreline management plan (BIMC 16.12) that are suitable for public access and habitat area should be considered.
6.	Mature Vegetation on Ridgelines	Mature vegetation found on ridgelines of community significance (as viewed from off-site) should be preserved.
7.	Wildlife Corridors	Designated Wildlife Corridors as adopted by Resolution 2001-12 should be preserved.